

15 CV 8084

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*Modion Maritime Management SA*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MODION MARITIME MANAGEMENT SA,  
individually and on behalf of  
M/V STEFANOS T (IMO No. 9583744),

15 Civ. 8084 (VEQ)

Plaintiff,

- against -

O.W. BUNKER MALTA LIMITED, O.W. BUNKER  
MIDDLE EAST DMCC, GPS CHEMOIL LLC FZC,  
CHEMOIL MIDDLE EAST DMCC, ING BANK  
N.V.

Defendants.

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**DEPOSIT ORDER**

Modion Maritime Management SA ("Modion"), individually and on behalf of M/V Stefanos T (the "Vessel"), has brought this maritime action and filed its complaint in interpleader pursuant to Fed. R. Civ. P. 22, and has requested permission to present a check in the sum of \$457,319.11, payable to the Clerk of this Court, as a deposit into the registry of this Court of property to which Modion disclaims any interest and which is subject to the claims of multiple claimants or third-parties, all of whom are subject to this Court's jurisdiction.

NOW, THEREFORE, it is ordered that the Clerk of this Court shall accept the aforesaid check and shall receive such funds into the registry of this Court pursuant to Fed. R. Civ. P. 67 for ultimate disposition by order of this Court in the above-styled interpleader action; and

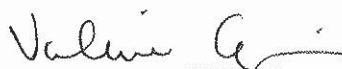
IT IS FURTHER ordered the such funds shall be considered to stand as security pursuant to Fed. R. Civ. P. 65(c) for the issuance of a preliminary injunction restraining all claimants from instituting or prosecuting any proceeding in any way relating to or affecting the disputed funds corresponding to the fuel delivery to the Vessel described in the Complaint and which have been deposited in the Court's registry, until further order of the Court.

IT IS FURTHER ordered that such funds shall be considered the substitute *res* for any *in rem* maritime lien claims against the Vessel in this interpleader action and that this amount shall constitute sufficient security for such claims under Supplemental Admiralty Rule E(5)(a), whereas such amount constitutes the principal sum claimed by the Defendants for the supply of fuel to the Vessel on October 23, 2014 as described in the Complaint, plus 6% interest for one year; and

IT IS FURTHER ordered that if the claims have not been resolved by October 19, 2016, <sup>Plaintiff shall</sup> the ~~Court may order a further~~ deposit an additional 6% of the principal sum claimed by the Defendants as interest for the following year; and

IT IS FURTHER ordered that upon the ultimate disposition of claims to the deposited funds, any amount remaining in the registry shall be returned to Modion.

✓ This 16<sup>th</sup> day of October, 2015

  
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United States District Judge

